IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 32734 of 2006(V)

PETITIONER:

K.V. ABDULLA HAJI, S/O.T.MAMMED,
AGED 65, ASHRAF MANZIL, PERUVALATHPARAMBA,
IRIKKUR, KANNUR DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENTS:

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1. STATE BANK OF TRAVANCORE,
SREEKANDAPURAM BRANCH, REP. BY ITS MANAGER.

2. THE AUTHORISED OFFICER,
CHIEF MANAGER (ADVANCES), STATE BANK OF TRAVANCORE
REGIONAL OFFICE, KANNUR.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.32734/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE NOTICE RECEIVED FROM THE 1ST RESPONDENT DATED 21.03.06.

EXT.P2: TRUE COPY OF THE REPLY DATED 05.04.06 GIVEN BY THE PETITIONER.

EXT.P3: TRUE COPY OF THE NOTICE DATED 02.05.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF THE REPLY NOTICE DATED 07.10.06.

EXT.P5: TRUE COPY OF THE NOTICE UNDER SECTION 13(2) OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 ISSUED BY THE 2ND RESPONDENT DTED 04.10.06.

EXT.P6: TRUE COPY OF THE OBJECTIONS ON 19.10.06 ISSUED BY THE PETITIONER.

EXT.P7: TRUE COPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 2ND RESPONDENT ON 23.10.06.

EXT.P8: TRUE COPY OF THE REQUEST LETTER CONTAINING THE COUNTER SIGNATURE OF THE RESPONDENT BANK, DATED 19/.03.07.

EXT.P9: TRUE COPY OF THE LETTER DATED 24.1.07 ISSUED BY THE BANK IN ANSWER TO PETITIONER'S OBJECTION.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 32734 OF 2006

DATED THIS THE 13th DAY OF APRIL, 2007

JUDGMENT

The petitioner is challenging proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Purely as a matter of indulgence, this court has granted the petitioner an order of stay on payment of part of the amount. The petitioner did not comply with the same. In the above circumstances, I am not inclined to entertain this writ petition for the following reason.

It is settled law that proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act has to be challenged in appeal before the Debt Recovery Tribunal as provided under the Act itself and petition under Article 226 challenging the same cannot be ordinarily entertained. In view of the said legal position, I am not inclined to entertain this writ petition and accordingly the same is dismissed.

S. SIRI JAGAN, JUDGE

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